REMARKS

Claims 1-22 remain pending in the application.

The Applicant respectfully requests that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1-22 over Miyoshi variously in view of Official Notice and Takayama

Claims 1, 3-9, 11-16 and 18-22 were rejected under 35 USC 103(a) as allegedly being obvious over U.S. Pat. No. 5,493,455 to Miyoshi et al. ("Miyoshi") in view of Official Notice ("Official Notice"); while dependent claims 2, 10 and 17 were rejected under 35 USC 103(a) as allegedly being obvious over Miyoshi in view of U.S. Pat. No. 6,134,066 to Takayama ("Takayama"). The Applicant respectfully traverses the rejections.

Claims 1-8 recite a detection element to detect a pre-existing electronic information signal stored on given magnetic storage media, and a record circuit to allow recording on the given magnetic storage media when the element detects no pre-existing electronic information signal stored **on** the given **magnetic storage media**. Claims 9-22 recite detecting a pre-existing video signal from a given video tape, and deactivating a record circuit based on detection of the pre-existing video signal already recorded **on** the given **video tape**.

Miyoshi, the Examiner's primary reference, clearly relates to use of a **MEMORY chip** 5 mounted in a tape cassette 7. A connector 110 in a VCR connects electrically and directly to the MEMORY chip 5 when the tape is placed in the VCR. (See, e.g., Miyoshi, col. 12, lines 56-58).

Miyoshi's main contribution to the art was to advance the use of a **MEMORY chip** 7 to provide detailed *a priori* information about the content of the tape. Miyoshi explains that while DVDs can be scanned quickly, tapes cannot, and thus a MEMORY chip stored with *a priori* information about the CONTENT of the tape allows a quick reading of the information stored on the tape. Miyoshi also explains that prior art systems used a bar code, but the problem with a bar

code was that there was no compatibility between video cassette recorders. (See Miyoshi, col. 1, lines 18-28).

Miyoshi explains the problem with prior MEMORY chip devices mounted in a tape is that if a tape containing a MEMORY chip is used in a non-compatible cassette player, the cassette tape itself erases all data stored in the MEMORY DEVICE, and thus provides no protection of data stored in the MEMORY DEVICE. (Miyoshi, col. 1, lines 43-52)

The bottom line: Miyoshi deals with (1) use of a SOLID STATE memory device to provide a priori information about what is recorded on a given tape; and (2) protection from overwrite of the MEMORY chip DEVICE - NOT explicitly from protection of something already stored on the tape itself!

With this background in mind together with an understanding of the Examiner's concerns, all claims 1-22 have been carefully reviewed and are amended appropriately herein to more clearly recite the important features of the present invention, e.g., use of a pre-existing signal detector that, before recording, detects if a signal pre-exists on the MAGNETIC MEDIA/VIDEO TAPE about to be recorded on. If so, recording is disabled.

The Examiner directs the Applicant to Miyoshi, col. 17, line 50 to col. 18, line 3 as allegedly supporting the position that Miyoshi teaches a pre-existing signal detector and disablement of a recording circuit based on detection of a pre-existing signal. In particular, in response to the Applicant's argument that Miyoshi relies on electronic memory 5 which is quite different from a video tape 4 to store program erasing prevention information 17, the Examiner directs Applicant to col. 17, line 50-col. 18, line 3 where Miyoshi allegedly teaches "the information on memory 5 always exists on the video tape 4. Miyoshi further discloses the VCR includes a scan mechanism having a rotating drum and fixed drum fro scanning a tape." (see Office Action, page 2)

Miyoshi at col. 17, line 50-col. 18, line 3 teaches:

> Because the limited function VCR does not have a means for driving program information in the memory, the programs recorded by the limited function VCR are not expected that data on the programs is recorded in the memory 5. Though programs recorded in a video tape do not necessarily agree to the program information stored in the memory 5,

> the information in the memory 5 always exists on the video tape 4. Therefore, the recorded information itself does not include an error though the information includes deficiencies. In this method, it is not needed to stop at every program in a search at a fast speed for a video tape, a time needed for data correction can be shortened.
>
> As explained above, a program inconsistency flag is provided for each program recorded in the memory 5. Therefore, even if programs are recorded by a limited function VCR not having a means for driving program information in the memory 5, it can be decided if the program information stored for each program agrees with the content of programs recorded on a video tape, and the efficiency of data correction can be improved further.

Miyoshi at col. 17, line 50-col. 18, line 3 explains what happens when his novel "tape cassette" is used in a "limited function VCR", a "limited function VCR" being one that "does not have a means for driving program information in the memory, the programs recorded by the limited function VCR are not expected that data on the programs is recorded in the memory 5." When Miyoshi's novel "tape cassette" is used in such a "limited function VCR", there are "deficiencies" in the "program information" stored in memory because the "limited function VCR does not have the capability to update the "memory 5". The "information" that the Examiner is referring to that exists on Miyoshi's video tape at col. 17, line 50-col. 18, line 3 is "program information". Any video tape that has programs recorded on it has program information on it. To perform "data correction" for the "program information stored in the memory 5", Miyoshi teaches that the "program information" from the "video tape" can be used to set "a program inconsistency flag ... for each program recorded in the memory 5."

Thus, Miyoshi at col. 17, line 50-col. 18, line 3 simply explains how a program inconsistency flag is provided for each program recorded in the memory 5 to indicate that his novel tape cassette was altered by a limited function VCR. The program information from the tape is used to set flags in memory 5 showing inconsistencies. As explained to the Examiner previously, Miyoshi still relies on electronic memory 5, which is quite different from a video tape 4, to store program erasing prevention information 17. Miyoshi fails to disclose, teach or suggest detection of a pre-existing electronic information being performed from a same given magnetic storage media as activation and

deactivation of at least one record/play element is performed for; and detection of a pre-existing video signal being performed from a same given video tape as deactivation of a record circuit is performed for, as recited by claims 1, 3-9, 11-16 and 18-22.

Miyoshi does NOT detect a pre-existing signal from MAGNETIC MEDIA at all, much less disable a recording circuit based on such detection. Rather, Miyoshi, at best, reads information directly from a MEMORY circuit mounted in a tape.

Moreover, the fact that Miyoshi teaches use of a VCR that includes a "scan mechanism having a rotating drum and fixed drum for scanning a tape 5" (see col. 7, lines 1-6) as the Examiner stresses, Miyoshi fails to disclose that any of those components have anything to do with storing his program erasing prevention information 17. In fact, a reading of the rest of the sentence at col. 7, lines 1-6 teaches that Miyoshi's "scan mechanism having a rotating drum and fixed drum for scanning a tape 5" is provided "similarly to a prior art VCR".

The Examiner acknowledged that Miyoshi does not specifically disclose a magnetic tape. It is respectfully submitted that this is a FOCUS of the invention-to prevent recording on a pre-recorded MAGNETIC TAPE.

To cure this SERIOUS deficiency, the Examiner relies on Official Notice "that it is well known in the art to store information on a magnetic tape." (see Office Action, page 4).

Nevertheless, Miyoshi relies on a solid state MEMORY chip to store program erasing prevention information 17.

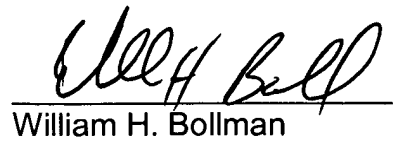
Miyoshi in view of Official Notice, or further in view of Takayama, still fails to disclose, teach or suggest detection of a pre-existing electronic information from a MAGNETIC tape, and disablement of a recording circuit based on detection of a pre-existing signal FROM the MAGNETIC TAPE, as claimed by claims 1-22.

For these and other reasons, claims 1-22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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